

## Animal and Plant Health Inspection Service, USDA

§ 93.431

costs exceeding the amount remitted with this cooperative-service agreement plus the initial \$32,000 deposit.

The Animal and Plant Health Inspection Service Agrees:

1. To provide the personnel required to perform inspections, laboratory procedures, and examinations, and to provide on-site supervision of the isolation, quarantine, care and handling of animals on premises of origin, in the EQF when quarantine in an EQF is required, and in HSTAIC.

2. To inform the importer of any quarantined animals in the EQF or in HSTAIC that fail to qualify for entry into the United States, and to inform the importer that he/she must assume responsibility for their disposal.

3. To finance capital expenditures at HSTAIC without charging the importer.

4. To account for all money disbursed from the amount remitted, and to provide the importer with a complete written accounting upon termination of this cooperative-service agreement.

5. To refund to the importer any part of the money remitted with this cooperative-service agreement that is not used to cover the non-capital costs of the importation through HSTAIC.

Both parties agree:

1. That this cooperative-service agreement is effective upon signature by both parties.

2. That this cooperative-service agreement will not be signed by the Administrator if the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, has not received this signed cooperative-service agreement, including the specified remittance for the amount due, by 4:30 p.m. on the thirtieth calendar-day after the date on the United States Postal Service's return receipt, evidencing its receipt by the importer.

3. That this cooperative-service agreement will not be signed by the Administrator if the cooperative-service agreement is not accompanied by the physical plans for the EQF, including its location and site-specific blueprints (except when quarantine in an EQF is not required).

4. That this cooperative-service agreement will be voided if the Administrator, Animal and Plant Health Inspection Service, determines that the importer has not completed arrangements with the responsible officials in the exporting region by 4:30 p.m. on the date 42 calendar-days after the importer's signing of this cooperative-service agreement.

5. That, if both parties agree, this cooperative-service agreement may be amended in writing.

6. That either party may terminate this cooperative-service agreement upon giving 30 days written notice to the other party, but

premature termination will not relieve the importer of responsibility for costs incurred, as provided in this cooperative-services agreement, nor will it relieve the Animal and Plant Health Inspection Service of responsibility for providing the importer with a complete written accounting of money disbursed from the amounts remitted.

7. That during the performance of this cooperative-service agreement, the importer agrees to be bound by the Equal Employment Opportunity and Nondiscrimination provisions set forth in Exhibit A and the Nonsegregation of Facilities provisions set forth in Exhibit B,<sup>13</sup> which are attached to and made part of this cooperative-service agreement.

8. That no member of, or delegate to, Congress may participate in, or benefit from, this cooperative-service agreement.

Date	Importer
Date .....	Administrator Animal and Plant Health Inspection Service, United States Department of Agriculture.

[55 FR 31495, Aug. 2, 1990, as amended at 55 FR 53136, Dec. 27, 1990; 59 FR 9620, Mar. 1, 1994; 59 FR 67615, Dec. 30, 1994; 60 FR 13898, Mar. 15, 1995. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

### § 93.431 Embarkation quarantine facility; criteria and standards for approval.

Criteria for establishment of an embarkation quarantine facility outside the United States for the purpose of importing ruminants into the United States that are eligible for importation only through the Harry S Truman Animal Import Center are as follows:

(a) *Establishment.* (1) The Administrator may enter into an agreement with one or more parties for the establishment of such a facility pursuant to the standards in paragraph (b) of this section.

(2) To qualify for designation as an embarkation quarantine facility (EQF) for a specifically authorized importation, the facility must meet the requirements of paragraph (b) of this section.

(3) All costs associated with the establishment and operation of such an embarkation quarantine facility shall

<sup>13</sup>Import-Export Animal Staff, Veterinary Services, APHIS, USDA, will send each importer copies of exhibits A and B along with the cooperative-services agreement.

be borne by the owner or operator of such facility.

(4) The Animal and Plant Health Inspection Service requires that the importer submit the physical plans for the EQF for which he/she is requesting approval. The physical plans must include location of the facility and site-specific blueprints. The importer must send these physical plans, due with the cooperative-service agreement as provided in §93.430(d) to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231. The Animal and Plant Health Inspection Service will, after reviewing the importer's physical plans and conducting an on-site inspection, approve an EQF found to meet the requirements of this section. Approval of an EQF will expire at the end of the specifically authorized quarantine. Subsequent importers granted use of HSTAIC and proposing to use one of the existing EQFs must apply for approval as if for a new facility. No more than one EQF will receive approval for a specific HSTAIC importation. If the EQF specified in the signed cooperative-service agreement, as provided in §93.430(d), is not approved by the Animal and Plant Health Inspection Service, the importer may use an alternative EQF, provided it is approved by the Animal and Plant Health Inspection Service during the 42 days following the date the importer signs the cooperative-service agreement. If an EQF closes down or loses its "approved" status for any reason, the Animal and Plant Health Inspection Service may approve replacement following the method specified in this paragraph.

(5) Permission to place ruminants in the foreign embarkation facility shall be given to any person who has received permission to import ruminants through the Harry S Truman Animal Import Center unless the Administrator determines that sufficient grounds exist whereby such person may be denied such permission.

(6) Fees charged by the owner or operator for the use of such facility shall be provided in private agreements between the owner or operator of the facility and the owners of the ruminants

proposed for importation. Such fees shall be nondiscriminatory and reasonable as determined by the Administrator.

(7) Approval of any approved quarantine facility may be withdrawn at any time by the Administrator, upon his or her determination that any requirement of this section is not being met. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and afforded opportunity to present his or her views thereon. Upon withdrawal of approval, the operator, upon request, shall be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Administrator.

(b) *Standards for approval of embarkation quarantine facilities.* (1) *Location.*

(i) The EQF must be in an area isolated from ruminants, swine, and poultry. It must be located near the point of embarkation: A dock, if the ruminants will travel by ocean vessel; an airport, if the ruminants will travel by plane.

(ii) The ruminants' route from EQF to the point of embarkation will be limited to areas free of ruminants, swine, and poultry.

(iii) The facility shall be so situated that there will be no contact between ruminants held in the facility with any other species of animals.

(iv) The facility shall be so situated that it will be free from contact with water and waste effluents from local livestock or poultry. Water and waste effluents from the facility shall be disposed of in a manner determined by the Administrator to be adequate to insure no exposure to local livestock or poultry.

(2) *Building.* (i) The exterior of the building shall be of durable low maintenance, waterproof type construction that will withstand repeated cleaning and disinfecting.

(ii) Roofs shall be watertight. The styling and configuration of the roof of the ruminant holding building shall provide for optimum air circulation throughout the facility.

(iii) The interior finish of the building shall be durable, washable, and of low maintenance type construction.

The floor shall be concrete with no cracks or crevices.

(iv) Mesh double screens must protect all open areas, so that insects cannot gain access to the ruminant holding area. If the ruminants are removed from the double-screened building before export to the HSTAIC, or if the United States Department of Agriculture Veterinarian in Charge of the quarantine operation determines that insects capable of transmitting communicable animal diseases are entering the ruminant holding area, the Animal and Plant Health Inspection Service will require implementation of a program of insect vector control. This vector control program will involve treating ruminants, building interiors, and environs with United States Environmental Protection Agency-registered pesticides. The pesticides must be used in the manner prescribed on the United States Environmental Protection Agency-approved label, and in accordance with the requirements of the government of the region in which the EQF is located.

(v) Stalls, pens, and runways shall be constructed of sufficient height and strength to confine and restrain all ruminants simultaneously for daily veterinary examinations.

(vi) At least 70-foot candle lighting shall be provided in the inspection area. A minimum light of 30-candle shall be available in all other areas of the facility.

(vii) A dipping vat of a concrete pit type with inspection chute, holding pen, dripping pen, and post-drip area similar to USDA Extension Plan 5940, revised, shall be provided.<sup>14</sup>

(viii) The waste management system shall be carefully designed to meet all applicable sanitation and quarantine requirements and the existing environmental standards of the country in which the embarkation quarantine facility is located.

(3) *Fencing.* (i) The outer perimeter of all facilities shall be surrounded by a fence which shall be of sufficiently small mesh as to preclude the entrance

of small farm animals, including dogs, and of such height and strength as to prevent entrance of larger animals. This fence shall be located at least 200 feet from the building in which quarantined ruminants are to be held, except that, in an urban or industrial area the location of the fence may be less than 200 feet as determined by the Administrator, if such action will not increase the risk that communicable diseases of livestock or poultry will be disseminated from the facility.

(ii) In areas affected by cattle fever ticks all such facilities shall be double fenced with the inner perimeter fence located at least 15 feet from the outer perimeter fence. When double fencing is required, the space between the outer and inner perimeter fences shall be kept free from all foliage at all times.

(iii) The outer fence of the facility shall be posted with signs in appropriate language, which shall convey the following: Restricted Area—Keep Out, Quarantine Area—Keep Out, or Registered Quarantine Area—Keep Out.

(4) *Feed.* The animal feed supply in the EQF must consist only of feed obtained from a region or area that is listed as free of foot-and-mouth disease (see §94.1(a)(2) of this chapter) and any other exotic disease necessitating the quarantine or that could jeopardize the quarantine.

(5) *Other requirements.* (i) Access into the quarantine area shall be through a single door which shall lead into a walkthrough shower area with clothes change areas located on either side of the shower and adjacent thereto.

(ii) Toilet and lavatory facilities as determined by the Administrator to be adequate to preclude transmission of livestock or poultry disease agents from the facility shall be located within the ruminant holding areas.

(iii) A sufficient supply of clean clothing including towels and footwear as determined by the Administrator to be adequate to prevent the transmission of livestock or poultry disease agents from the facility, shall be maintained within the quarantine area.

(iv) A continuous supply of hot and cold running water shall be provided which shall include potable water for personnel.

<sup>14</sup>Copies of USDA Extension Plan 5940, revised, may be obtained from the Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

(v) If lunch is to be eaten within the facility, a lunch room must be provided and all food entered into the facility must be approved by the supervising United States government veterinarian.

(vi) A separate room containing the equipment for preparation and packaging of laboratory specimens with adequate office space as determined by the Administrator, to perform his or her duties shall be provided for the supervising veterinary official. All records, equipment, and other materials used in the facility, must be maintained within the quarantine facility for the entire quarantine period.

(vii) A separate area situated apart from the ruminant holding area shall be provided for necropsies and a means for the removal of the carcasses of dead ruminants shall be provided without breaking quarantine security.

(viii) A ruminant receiving area and a chute or stocks for restraint during examination and veterinary inspection, as determined to be appropriate by the Administrator, to permit examination of the ruminant, shall be provided.

(ix) Feed shall be stored in such a manner that replenishment during the quarantine period does not require transporting vehicles to enter the quarantine area.

(x) Equipment necessary for the care, cleaning, feeding, waste disposal, and handling of the ruminants shall be provided and maintained within the quarantine area.

(xi) Additional requirements as to security, physical plant and facilities, and sanitation may be imposed by the Administrator, in each specific case in order to assure that the quarantine of the ruminants in such facility will be adequate to enable determination of their health status, prevent the spread of disease among ruminants in quarantine, and prevent escape of animal disease agents from the facility.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67615, Dec. 30, 1994; 60 FR 13898, Mar. 15, 1995. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

**§ 93.432 Cattle from the Republic of Ireland.**

(a) All cattle to be imported from the Republic of Ireland shall be accom-

panied by a certificate issued or endorsed by a salaried veterinarian of the Republic of Ireland showing that the cattle originated from a herd which is officially certified by the Republic of Ireland as a brucellosis qualified for export herd and that the cattle meet the requirements in § 93.432(c).

(b) A brucellosis qualified for export herd is a herd in which all of the cattle have been maintained as a herd unit for at least two years prior to importation and all of the test eligible cattle in the herd (i.e., cattle over 6 months of age, except steers and spayed heifers) have been tested annually for brucellosis and found negative in accordance with Republic of Ireland requirements for at least two years prior to importation. The most recent negative herd test must have been conducted within 12 months of the date of importation. In addition:

(1) Such herd unit may include cattle which were born and raised within such herd unit during the two year period, or cattle which were moved directly to the herd from another herd unit of like status; or

(2) Such herd unit may include other cattle (except brucellosis reactors, suspects and animals listed in § 93.432(c)(1)) if:

(i) Such other cattle have been tested for brucellosis and found negative within 30 days prior to entry into the herd unit and all eligible cattle in the herd unit have been tested for brucellosis and found negative not less than 90 days following the date when the last of the other cattle had been added to the herd unit; or

(ii) All eligible cattle in the herd unit have been tested negative for brucellosis no less than 180 days nor more than 12 months (365 days) following the date when the last of the other cattle had been added to the herd unit.

(c) The certificate accompanying cattle offered for importation from the Republic of Ireland shall show that the cattle are from a brucellosis qualified for export herd and that they meet the following requirements:

(1) The cattle to be exported were not born to or nursed by brucellosis reactors and they were not born in a herd at the time the herd was under quarantine due to brucella infection.